



IDAHO WATER RESOURCE BOARD

MINUTES OF STATE WATER PLAN SUB-COMMITTEE MEETING NO. 15

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**Lawrence "Vic"
Armacost**
New Meadows
At Large

Idaho Water Center
Boise, Idaho
December 1, 2008

The Chairman of the committee, Gary Chamberlain, called the meeting to order at 10:00 a.m. Leonard Beck and Vic Armacost were present.

Staff members present were Hal Anderson, Administrator; Brian Patton, Bureau Chief of Planning; Helen Harrington, Planning Section Manager; and Patsy McGourty, Recording Secretary.

Guests in attendance were:

Shelley Davis, Barker Rosholt
Dave Blew, Idaho Power
Susan Burke, DEQ
Lynn Tominaga, IGWA

Peter Anderson, Trout Unlimited
Jon Boling, Idaho Power
Kevin Lewis, Rivers United

Agenda Item No. 1, Introductions

Introductions were made around the room.

Agenda Item No. 2. Continue Draft Policy Review with New Format

3E – Radio Active Waste Monitoring

Ms. Harrington introduced Susan Burke from the Division of Environmental Quality (DEQ). Mr. Anderson asked Ms. Burke for her recollection on the history of this policy. She stated that the policy was put in the 1996 State Water Plan following the 1995 Settlement Agreement concerning state oversight at INEEL. The Settlement Agreement was the result of a lawsuit by the state of Idaho against the Federal Government and the U.S. Navy concerning nuclear waste at INEEL. This agreement required the DOE to 1) remove nuclear waste by 2035; 2) restrict the amount of spent fuel that can be stored there; 3) regulate liquid hi-level waste removal; and 4) regulate transuranic waste buried on the site that will eventually go to New Mexico.

Spent nuclear fuel will go to Yucca Mountain if it ever opens. Other agencies also regulate different facets of waste storage and removal. The Settlement Agreement provided a path to remove the waste.

Mr. Armacost stressed an important point that no state agency has control over nuclear waste near the Snake River. Ms. Burke agreed and stated that the facility at INL is a Federal facility. The state does not have any regulatory authority, only a monitoring program for the INL.

Mr. Anderson questioned whether this policy should be included in the State Water Plan. He added that the State Water Plan policies are for the protection of water resources for state sovereignty. The committee discussed the kind of policies that might be included in the plan. They also discussed power plants that may come on line and the need for a policy to address that issue. Ms. Burke pointed out that the Department of Energy has regulations on any radioactive waste going into state water. There was discussion about the recent Elmore County Planning and Zoning decision to deny zoning to a proposed nuclear power plant because it did not conform to their comprehensive plan. Counties have authority over where these plants can be built. Mr. Anderson stated that future facilities need to be addressed in this policy or a new policy needs to be added.

There was discussion about whether the state should monitor new commercial facilities. The group agreed that there should be independent monitoring. Ms. Burke thought that the most important point in this policy is that it supports the Governor's agreement. She added that any new power plants will create new interest in monitoring. There was further discussion about monitoring versus regulating. New language was added to this policy. The sub-committee thanked Ms. Burke for attending and contributing to the discussion.

Ms. Harrington noted that she had discussed the revised language to the 2I Safety Measures Policy with the Idaho Water Users Association and received a positive response regarding the new language. She discussed the spreadsheet outlining which policies still need revision. She noted that she had deleted the Development Group and put those policies in other sections as the sub-committee had directed.

Mr. Armacost requested that the Weather Modification policy needed a statement saying that any water produced as a result of weather modification would be treated as natural flow. Discussion followed on this topic. Ms. Harrington agreed to follow-up on whether or not existing water law would protect that.

Mr. Anderson stated that the Department of Agriculture currently issues weather modification permits. They have asked IDWR if they would consider taking over this responsibility. He wanted to know the sub-committee's view on this. Mr. Boling from Idaho Power pointed out that cloud seeding generators can have a negative impact but that there are benefits to cloud seeding. The policy was revised to include scientific measurement of results. Staff agreed to research how weather modification programs work in other states.

Mr. Beck discussed funds spent by the Committee of Nine on weather modification and if costs would go up if the sub-committee required "scientifically designed and operated" programs. Mr. Chamberlain wondered how anyone knows if weather modification efforts are producing results when there are no scientific measurements. The sub-committee discussed this issue.

Ms. Harrington stated that some people had requested that future agendas be more definitive as to which policies will be discussed so they can decide whether they will attend.

6D – Bear River Basin Water Management

Mr. Anderson stated that this policy has been in place since 1996. A groundwater management area was established in 2001. The Bear River Advisory Committee submitted recommendations. A management plan was completed in 2004.

6A – Bear River Compact

Mr. Anderson stated he had written most of this policy language which is based on the Bear River Compact. He explained that there are three divisions in the Bear River Basin: the upper, lower and central. The upper and central divisions have water allocations and distinct processes for water emergencies. The lower division in both Idaho and Utah doesn't have that. If a user in Utah doesn't think they are getting enough water, they can submit a grievance to the commission. He noted that Idaho is further along than Utah in water accounting models and conjunctive management of surface and ground water. As a result of a settlement agreement and interstate accounting models a process has been put in place to administer water rights across state lines. Water is delivered to the lower division by priority. The groundwater issue remains unsettled since groundwater is not accounted for. Utah is not ready to do conjunctive administration. Eventually, the groundwater usage will need to be apart of the modeling.

6B – Interstate Water Delivery

The sub-committee made minor changes and accept the policy.

6C – Bear Lake

The sub-committee discussed the various issues surrounding Bear Lake water usage. Ms. Harrington stated that she had not yet heard from Division of Environmental Quality on this policy. There was discussion about other programs and processes ongoing in the area. Mr. Armacost suggested that a statement be added stating that the Board supports the local efforts.

The sub-committee took a lunch break.

6D – Bear River Basin Water Projects

The sub-committee agreed to delete this policy.

6D – Bear River Basin Water Management

Under the Bear River Compact Idaho has first use of water and Utah has second use; however, Utah's allocation is larger than Idaho's. The sub-committee discussed the various implementation strategies. Mr. Anderson stated the intent of this policy was to improve water use efficiency and

increase water supply. This policy was modified to include some of the concepts from Policy 6D which was eliminated.

6E – Bear River Groundwater Management Plan

Mr. Anderson suggested that this policy could be combined with 6D. Ms. Harrington stated that the Bear River has this special policy for a groundwater management plan because it is unique from other river basins in Idaho. The groundwater management plan resulted from a decision by the Director of IDWR. The sub-committee decided not to include a policy on this topic.

1N – Water Supply Enhancement

Ms. Harrington stated that at the December 15th meeting the sub-committee would discuss potential storage sites and the table that is included in the State Water Plan. The sub-committee agreed to ask the Storage Sub-committee to have a joint meeting on January 23rd after the Board meeting in Boise. Ms. Harrington noted that she had received no feedback from Fish and Game on 2-4 policies and that the sub-committee may need to go forward without that feedback. Also, the legal review on the Snake River policies is not complete.

Agenda Item No. 3., Future Meeting Schedule

The next meeting is set for December 15 immediately following a Board teleconference in conference room 549 on the 5th floor. Meetings in 2009 are: January 5, 2009 from 10:00 to 3:00 p.m.; and after the Board meeting January 23rd.

The meeting was adjourned.

Dated this 4th day of December 2008.



Patsy McGourty
Administrative Assistant II